



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, September 14, 2009

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

5/26/2010 5:02 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Dr. Tom Pickering
Cordova Presbyterian Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

[Opening of the Commission](#)

[Invocation](#)

[Approval of Minutes of Previous Session
August 3, 2009
August 17, 2009](#)

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. [Memorial Resolution honoring the late Paul Mattila, Shelby County Trustee, for his outstanding service as Trustee, expressing gratitude for distinguished service to the citizens of Shelby County, and extending the sympathy of Shelby County Government to his family and friends. Sponsored by Commissioner Matt Kuhn.](#)

Ordinances

AVERY
Chairman,
Hospitals and
Health
Committee

2. [ORDINANCE - FIRST READING - Ordinance by the Board of County Commissioners of Shelby County, Tennessee, to amend Chapter 14.5 of the Shelby County Code of Ordinances to retain the same annual emission fees earmarked for the Memphis and Shelby County Health Department's Air Pollution Program, which are charged to air pollution emission sources for the calendar year 2007 as a review of funds on hand indicate a continued balance sufficient to fund the air program. Sponsored by Commissioner Joyce Avery.](#)

MULROY
Chairman,
Core City
Committee

3. [ORDINANCE - FIRST READING - an ordinance to amend the Code of Ordinances of Shelby County, Tennessee, to include regulations for the proper disposal of tires and the registration of certain tire businesses within Shelby County. Sponsored by Commissioner Steve Mulroy.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

GIBSON
Chairman,
Budget and
Finance
Committee

4. [Resolution approving a contract with the City of Memphis for the registration of motor vehicles and collection of fees for same; and this item is a fee generating agreement. Sponsored by Chairman Deidre Malone. \(AMENDED IN COMMITTEE 9/9/09\)](#)

GIBSON
Chairman,
Budget and
Finance
Committee

5. [Resolution approving a contract with the City of Memphis for the collection of business tax licensing fees; and this item is a fee generating agreement. Sponsored by Chairman Deidre Malone.](#)

BUNKER
Chairman,
Public Works
Committee

6. [Resolution approving a lease agreement with Praxair, Inc. \("Praxair"\), as approved by the Board of Commissioners of the Memphis And Shelby County Port Commission on November 19, 2008. Sponsored by Commissioner Wyatt Bunker.](#)

BUNKER
Chairman,
Public Works
Committee

7. [Resolution approving a grant contract with the Tennessee Department of Transportation \(TDOT\) in the amount of \\$175,500.00 for installation of a traffic signal at the intersection of Houston Levee Road and Raleigh LaGrange Road, amending the FY 2009/2010 Operating Budget, and appropriating said funds. This Resolution requires the expenditure of Federal Grant Funds in the amount of \\$175,500.00 from the FY 200/2010 Operating Budget. Sponsored by Commissioner Wyatt Bunker.](#)

AVERY
Chairman,
Hospitals and
Health

8. [Resolution approving an amendment to the FY 2009/2010 Operating Budget for the Health Department, establishing a grant budget in the amount of \\$538,700.00 for the provision of a H1N1](#)

Committee	<u>Public Health Emergency Response program and an amendment to the FY 2009/2010 Position Control Budget and the appropriation of said funds. This item requires the expenditure of Federal through State Grant funds in the amount of \$538,700.00. Sponsored by Commissioner Joyce Avery.</u>
CHISM Chairman, Law Enforcement Committee	9. <u>Resolution approving contract amendment between Shelby County Government, on behalf of the Juvenile Court of Memphis and Shelby County, and Softec, Inc. in the amount not to exceed \$20,000.00 for the provision of additional programming and software modification on the Juvenile Court case management system and appropriation of said funds. This item requires an expenditure of Federal Grant Funds in the amount of \$20,000.00 This resolution is sponsored by Commissioner Sidney Chism.</u>
HARVEY Chairman, Economic Development Committee	10. <u>Resolution to approve an agreement to recoup the cost of providing improvements, facilities and service to Memphis Volunteers of America Elderly Housing, Inc. (d/b/a "Casa Grace"), a Tennessee not-for-profit corporation, as required by applicable tax exemption statute, Tenn. Code Ann. §67-5-207, et seq., at an amount of five dollars (\$5) per unit per month. Sponsored by Commissioner James M. Harvey.</u>
AVERY Vice-Chairman, Community Services Committee	11. <u>Resolution amending the FY 2010 Operating Budget in the amount of \$1,339,344.00 and accepting four contracts with Memphis City Schools to provide Head Start Pre-K services for the period of July 1, 2009 to June 30, 2010. This item requires expenditure of Memphis City Schools Grant Funds in the amount of \$1,339,344.00. Sponsored by Commissioner George Flinn.</u>
KUHN Chairman, Delinquent Tax	12. <u>Resolution approving the sale of FIFTEEN County-owned Delinquent Tax Parcels acquired from Shelby County Trustee Tax Sale Nos. 96.1, 0204,</u>

Property
Committee

0205, 0302, 0304, 0306, 0403, 0405 and 0406 to identified purchasers at various prices collectively totaling \$89,600.00, pursuant to the sale provisions of Tennessee Code Annotated § 67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner Matt Kuhn.

Approval of the Consent Agenda

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
Chairman,
General
Government
Committee

13. Resolution approving the County Mayor's nomination of Julie Raines for joint City-County Reappointment to the New Memphis Arena Public Building Authority of Memphis and Shelby County, Tennessee. Sponsored by Commissioner Joe Ford. (DEFERRED TO 9/28/09)

FORD
Chairman,
General
Government
Committee

14. Resolution reappointing Sophia Atkins and Jewell Jordan to and appointing the Chairman and Vice Chairman for the Shelby County Beer Board. Sponsored by Commissioner Joe Ford.

FORD
Chairman,
General
Government
Committee

15. Resolution approving the election of notaries public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.

FORD
Chairman,
General
Government
Committee

16. Resolution to approve appointments by Chairman Joyce Avery of officers and members of the standing committees of the Shelby County Board of Commissioners for the 2009/2010 term. Sponsored by Chairman Joyce Avery.

FORD
Chairman,
General
Government
Committee

17. [Resolution approving the appointments to various boards and commissions for the 2009/2010 term by the Chairman of the Shelby County Board of Commissioners. Sponsored by Chairman Joyce Avery. \(AMENDED IN COMMITTEE 9/9/09\)](#)

Ordinances

FORD
Chairman,
General
Government
Committee

18. [ORDINANCE - THIRD READING - An ordinance to adopt Supplement No. 36 to the Code of Ordinances of Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

FORD
Chairman,
General
Government
Committee

19. [ORDINANCE - THIRD READING \(AMENDED\) - An Ordinance approving and setting the salary for members of the Board of County Commissioners for the 2010-2014 term of office. Sponsored by Commissioner Joe Ford.](#)

FORD
Chairman,
General
Government
Committee

20. [ORDINANCE -THIRD READING \(AMENDED\)- An ordinance approving and setting the salary of the Mayor of Shelby County and the Shelby County Sheriff for the 2010-2014 term of office. Sponsored by Commissioner Joe Ford.](#)

Zoning and Subdivisions

RITZ
Chairman,
Land Use
Committee

21. [CASE NO. P.D. 09-313 CC](#)
APPLICANT: Ethridge Enterprises
LOCATION: Southeast corner of Macon Road and Macon View Drive
REQUEST: Plan Amendment to Parcel 5 to allow limited Planned Commercial (C-P) District Land Uses.
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
REJECTION

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, September 4, 2009.)

(AMENDED IN COMMITTEE 9/9/09)

RITZ
Chairman,
Land Use
Committee

22. CASE NO. P.D. 09-302 CC

APPLICANT: Community Bank N.A.

LOCATION: South side of Macon Road; +/-1,117 feet east of Houston Levee Road

REQUEST: Planned development amendment to create Parcel 1-B to allow self-service mini-storage warehouses in Parcel 1 of the Outline Plan.

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development:

REJECTION

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, September 4, 2009.)

(AMENDED IN COMMITTEE 9/9/09)

a) Resolution acknowledging the unfortunate and untimely death of Paul Mattila, Shelby County Trustee on September 4, 2009; declaring a vacancy in the office of the Trustee, setting Wednesday, September 23, 2009, as the date for interviewing candidates and Monday, September 28, 2009, as the date for electing an Interim County Trustee; authorizing the Chairman of the County Commission to publish notice of election; and requesting the Shelby County Attorney to conduct criminal background checks on all candidates. Sponsored by Chairman Joyce Avery.

b) Resolution authorizing the Mayor to execute a contract with the Mid-South Food Bank in the amount of \$750,000.00 for the purchase of food items for food pantries serving low income individuals and authorizing the Mayor to execute a contract with the Metropolitan Inter-Faith Association in the amount of \$160,000.00 for

transportation to congregate meals and utility assistance for low-income individuals. This item requires appropriation and expenditure of Recovery Act Community Services Block Grant funds in the amount of \$910,000.00. Sponsored by Commissioner Deidre Malone.

Reports and/or Resolutions for Standing Committees

Announcements/Statements

23. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Janice A. Banks, Stacey Greenberg, Sherrell J. Lott, and Sherman L. Holman for reappointment and Barbara J. Hulette, Rickey H. Hudson, Matt Okon-Ofua, and Eva E. Mosby for appointment to the Shelby County Community Advisory Board. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination of Gregory Taylor for reappointment to the Memphis and Shelby County Cross Connection Board. Sponsored by Commissioner Joe Ford.

Adjournment

24. Resolution of adjournment to Monday, September 28, 2009 at 1:30 p.m.